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EXAMINER

LEE, PHILIP C

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/925,120	Applicant(s) SWEATT ET AL.	
	Examiner PHILIP C. LEE	Art Unit 2453	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 October 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13,15-22,24-36,38-41,52,53,55 and 56 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13,15-22,24-36,38-41,52,53,55 and 56 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>9/21/10</u> . | 6) <input type="checkbox"/> Other: _____ |

1. This action is responsive to the amendment and remarks filed on October 28, 2010.
2. Claims 13, 15-22, 24-36, 38-41, 52-53 and 55-56 are presented for examination and claims 1-12, 14, 23, 37, 42-51 and 54 are canceled.
3. The text of those sections of Title 35, U.S. code not included in this office action can be found in a prior office action.

Claim Rejections – 35 USC 103

4. Claims 13, 17, 19-22, 25, 27-32, 36, 39-40, 52-53, 55 and 56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Susskind, U.S. Patent Application Publication 2001/0046366 (hereinafter Susskind) and Piersol et al, U.S. Patent 7,386,599 (hereinafter Piersol) in view of Franco, U.S. Patent Application Publication 2002/0046407 (hereinafter Franco).
5. As per claim 13 and 52, Susskind teaches the invention substantially as claimed for operating a digital video recorder through web-hosted application ([0035] and [0050]) via a web portal (i.e., via a home page of the website, e.g., www.sony.com) ([0035]), comprising:
accessing a first server remote from the digital video recorder to launch the web-hosted application ([0035] and [0050]) (user accessing software on web server remote from VRD), the web-hosted application comprising an application program interface ([0042] and [0049]) and capable of communicating with the digital video recorder to extract data

therefrom ([0040] and [0042]) (software on the web server capable of communicating with the VRD to obtain changes to the VRD);

receiving one or more integrated presentations formed by the API on the web-hosted application ([0042] and [0049]) and sent by the first server in response to accessing the first server ([0035]) (receiving HTML pages that provide the interface components to operate the VRD), each of the integrated presentations including the data extracted to replicate a corresponding interface of the digital video recorder ([0042] and [0044]) (HTML page simulate the VRD on screen interface including Recorded program, minute of storage available (state information obtained from the VRD)[0035]), wherein the API provides each of the one or more integrated presentation distinctive to the web portal (HTML pages that provides simulation of VRD on-screen interface is distinctive to the home page of the website such as www.sony.com, [0035]);

selecting portions of the interface to initiate one of more commands to operate the digital video recorder ([0035] and [0050]);

wherein the web-hosted application stored the commands in a transaction file ([0050]) (web server stores the record selection in the user account); and

wherein the web-hosted application, in response to a request from the digital video recorder ([0046] and [0047]) (in response to ping or update request), transmits the commands to the digital video recorder ([0043]) (transmit change of state on user account on web server to the VRD (state information includes VRD operational control (i.e., commands) [0016])).

6. Susskind does not specifically the web portal configured to provide online services comprising email, news and web search capability. Piersol teaches a web portal (i.e., specialized web site providing a starting site for user accessing the web) configured to provide a variety of online services comprising email, news and web search capability (col. 1, lines 16-25).

7. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Susskind and Piersol because Piersol's teaching of web portal configured to provide online services comprising email, news and web search capability would attract users to visit the web portal for various online services.

8. Although Susskind teaches receiving one or more presentations comprising at least one of broadcast, show, movie clips, or chat rooms ([0035]) (i.e., show/program broadcast listings from third party) and each of integrated presentations including the data extracted to replicate a corresponding interface of the digital video recorder ([0042] and [0044]) (HTML page simulate the VRD on screen interface including Recorded program, minute of storage available (state information obtained from the VRD)[0035]), however, Susskind and Piersol do not specifically teach the integrated presentation comprising at least one of broadcast, show, movie clips, or chat rooms (i.e., the combination does not teach the integrated presentation comprising both a corresponding interface of a digital video recorder and at least one of broadcast, show, movie clips, or chat rooms). Franco teaches receiving one or more integrated presentations comprising at least one of broadcast, show, movie clips, or chat rooms; each of the integrated presentations including a corresponding interface of the digital video recorder ([0069]).

9. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Susskind, Piersol and Franco because Franco's teaching of the integrated presentation comprising both a corresponding interface of a digital video recorder and at least one of broadcast, show, movie clips, or chat rooms would allow a user in Susskind's and Piersol's system to conveniently view and select broadcast listing and interface with a digital video recorder in a single web page.

10. As per claims 27 and 53, Susskind teaches the invention substantially as claimed for remotely controlling of at least one digital video recorder ([0035] and [0050]) via a web portal (i.e., via a home page of the website, e.g., www.sony.com) ([0035]), comprising:

maintaining, at a server remote from the digital video recorder, a local representation of pre-existing information and data extracted from a plurality of data sources including the digital video recorder ([0041]) (HTML pages, account settings/values, television program listing, state information from sources (e.g., 10, 13, 25));

forming an integrated presentation using an application programming interface (API) ([0042] and [0049]) by combining the pre-existing information with the data extracted to replicate a corresponding interface of the at least one digital video recorder ([0035]) (combining HTML with state information from VRD to simulate the VRD on screen interface), wherein the API provides an integrated presentation distinctive to the web portal (HTML pages that provides simulation of VRD on-screen interface is distinctive to the home page of the website such as www.sony.com, [0035]);

transferring the integrated presentation to a network computing system for display on a client in response to receiving an instruction from the client ([0035]) (providing the HTML interface for display on browser in response to URL from browser); receiving a command from the client in response to portions of the integrated presentation being selected, the command representing an operation to be performed on the digital video recorder ([0035] and [0050]) (receiving a recording request in response to user selecting on the HTML interface); updating the local representation with the command ([0050] and [0051]) (command is store in the user account and update is convey to the VRD); and only after receiving a request from the digital video recorder ([0047]) (receiving a ping/update request from VRD), sending the command to the digital video recorder to perform the operation on the digital video recorder ([0043]) (sending change of state on user account on web server to the VRD (state information includes VRD operational control (i.e., commands) [0016])).

11. Susskind does not specifically the web portal configured to provide online services comprising email, news and web search capability. Piersol teaches a web portal (i.e., specialized web site providing a starting site for user accessing the web) configured to provide a variety of online services comprising email, news and web search capability (col. 1, lines 16-25).

12. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Susskind and Piersol because Piersol's teaching

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of web portal configured to provide online services comprising email, news and web search capability would attract users to visit the web portal for various online services.

13. Although Susskind teaches forming a presentation comprising at least one of broadcast, show, movie clips, or chat rooms ([0035]) (i.e., show/program broadcast listings from third party) and forming an integrated presentation by combining the pre-existing information with the data extracted to replicate a corresponding interface of the digital video recorder ([0042] and [0044]) (HTML page simulate the VRD on screen interface including Recorded program, minute of storage available (state information obtained from the VRD)[0035]), however, Susskind and Piersol do not specifically teach the integrated presentation comprising at least one of broadcast, show, movie clips, or chat rooms (i.e., the combination does not teach the integrated presentation comprising both a corresponding interface of a digital video recorder and at least one of broadcast, show, movie clips, or chat rooms). Franco teaches forming an integrated presentation comprising at least one of broadcast, show, movie clips, or chat rooms by combining the pre-existing information with a corresponding interface of the digital video recorder ([0069]).

14. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Susskind, Piersol and Franco because Franco's teaching of the integrated presentation comprising both a corresponding interface of a digital video recorder and at least one of broadcast, show, movie clips, or chat rooms would allow a user in Susskind's and Piersol's system to conveniently view and select broadcast listing and interface with a digital video recorder in a single web page.

15. As per claim 55, Susskind teaches the invention substantially as claimed comprising:
- providing through a web portal (a home page of the website, e.g., www.sony.com) ([0035]), wherein the web portal replicates the interface of at least one digital video recorder ([0035]) (providing HTML page replicating an on-screen interface of VRD) using an application program interface (API) ([0042] and [0049]), wherein the replicated interface is distinctive to the web portal (HTML pages that provides simulation of VRD on-screen interface is distinctive to the home page of the website such as www.sony.com, [0035]);
- receiving program guide information ([0035]) (receiving program listings);
- displaying the program guide information through the web portal ([0035]) (display values for program listing function);
- receiving, through the web portal, a command for the operation of a first digital video recorder ([0035] and [0050]) (receiving a recording request for the VRD);
- storing the command in a first transaction file ([0050]) (storing the recording request in user account);
- receiving, from the first digital video recorder, a request for the first transaction file ([0047]) (receiving a ping/update request from VRD for change of state in user account);
- and
- in response to the request, transmitting the first transaction file to the first digital video recorder ([0043]) (sending change of state in user account to VRD (state information include VRD operational control (i.e., command) [0016])).

16. Susskind does not specifically teach the web portal configured to provide online services comprising email, news and web search capability. Piersol teaches a web portal (i.e., specialized web site providing a starting site for user accessing the web) configured to provide a variety of online services comprising email, news and web search capability (col. 1, lines 16-25).

17. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Susskind and Piersol because Piersol's teaching of web portal configured to provide online services comprising email, news and web search capability would attract users to visit the web portal for various online services.

18. Although Susskind teaches a interface with presentation comprising at least one of broadcast, show, movie clips, or chat rooms ([0035]) (i.e., show/program broadcast listings from third party) and a replicated interface of the digital video recorder ([0042] and [0044]) (HTML page simulate the VRD on screen interface including Recorded program, minute of storage available (state information obtained from the VRD)[0035]), however, Susskind and Piersol do not specifically teach the interface includes an integrated presentation comprising at least one of broadcast, show, movie clips, or chat rooms (i.e., the combination does not teach the integrated presentation comprising both a corresponding interface of a digital video recorder and at least one of broadcast, show, movie clips, or chat rooms). Franco teaches the interface of a digital video recorder includes an integrated presentations comprising at least one of broadcast, show, movie clips, or chat rooms ([0069]).

19. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Susskind, Piersol and Franco because Franco's teaching of the interface of a digital video recorder includes an integrated presentations comprising at least one of broadcast, show, movie clips, or chat rooms would allow a user in Susskind's and Piersol's system to conveniently view and select broadcast listing and interface with a digital video recorder in a single web page.

20. As per claim 17, Susskind, Piersol and Franco teach the invention substantially as claimed in claim 13 above. Susskind further teach wherein one of the commands causes the first server to access a second server, the web-hosted application running on the second server ([0035], fig. 2).

21. As per claim 19, Susskind, Piersol and Franco teach the invention substantially as claimed in claim 13 above. Susskind further teach wherein the integrated presentations are formed by combining the data extracted (state information of VRD) with additional data received by the web-hosted application from one or more sources of data ([0035], [0040] and [0042]).

22. As per claims 20 and 30, Susskind, Piersol and Franco teach the invention substantially as claimed in claims 19 and 27 above. Susskind further teaches wherein the sources of data comprise database and online services (e.g., database 43, third-party commercial server 24 and 25).

23. As per claims 21 and 36, Susskind, Piersol and Franco teach the invention substantially as claimed in claims 19 and 27 above. Susskind further teaches wherein the sources of data comprise broadcast programming guides in an electronic format ([0028] and [0035]).

24. As per claim 22, Susskind, Piersol and Franco teach the invention substantially as claimed in claim 13 above. Susskind further teaches wherein accessing the first server comprises sending an http request over the Internet to the first server ([0035]) (sending URL).

25. As per claims 25 and 40, Susskind, Piersol and Franco teach the invention substantially as claimed in claims 13 and 27 above. Susskind further teaches wherein the data is extracted periodically ([0044] and [0047]) (sending periodic ping/update request for accessing state changes).

26. As per claim 28, Susskind, Piersol and Franco teach the invention substantially as claimed in claim 27 above. Susskind further teach wherein the network computing system comprises at least one web server communicatively coupled to a network (23, 24, fig. 2), the web server receiving and forwarding the integrated presentation to the client over the network ([0035]).

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27. As per claim 29, Susskind, Piersol and Franco teach the invention substantially as claimed in claim 28 above. Susskind further teaches the network comprises the Internet (11, fig. 1).

28. As per claim 31, Susskind, Piersol and Franco teach the invention substantially as claimed in claim 27 above. Susskind further teaches wherein the integrated presentation comprises a virtual representation of a user interface associated with the digital video recorder ([0035]) (HTML page simulate VRD on screen interface).

29. As per claim 32, Susskind, Piersol and Franco teach the invention substantially as claimed in claim 27 above. Susskind further teaches wherein maintaining the local representation comprises storing the pre-existing information and the data on a database ([0035] and [0050]).

30. As per claim 39, Susskind, Piersol and Franco teach the invention substantially as claimed in claim 27 above. Susskind further teaches wherein the client comprises a browser ([0035]).

31. As per claim 56, Susskind, Piersol and Franco teach the invention substantially as claimed in claim 55 above. Although Susskind teaches receiving, through the web portal, a command for the operation of the first digital video recorder ([0035] and [0050]); storing the command in a transaction file ([0050]); receiving, from the first digital video recorder, a request

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for the transaction file ([0047]); and in response to the request, transmitting the first transaction file to the first digital video recorder ([0043]), however, Susskind does not explicitly teach the method of claim 55 for a second digital video recorder.

32. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to include a second or any number of digital video recorders because by doing so it would allow a user in Susskind's system to obtain, monitor and control status and configuration of digital video recorders, thus the user can perform management operations with a plurality of digital video recorders remotely.

33. Claims 15-16, 18 and 33-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Susskind, Piersol and Franco in view of Paroz, U.S. Patent 6,587,125 (hereinafter Paroz).

34. Paroz was cited in the last office action.

35. As per claims 15, 16 and 33, Susskind, Piersol and Franco teach the invention substantially as claimed in claims 13 and 27 above. Susskind and Piersol do not specifically detailing object interfaces for operating the digital video recorder. Paroz teaches a similar system wherein the web-hosted application instantiates a plurality of objects for encapsulating functions associated with operating the media device, wherein the objects comprises programmable interfaces for operating the media device (col. 9, lines 12-20; col. 10, lines 17-21).

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36. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Susskind, Piersol, Franco and Paroz because Paroz's teaching of objects interfaces would increase the flexibility in their system by allowing a user to write programs for interfacing for the operation of different devices.

37. As per claims 18 and 35, Susskind, Piersol and Franco teach the invention substantially as claimed in claims 13 and 27 above. Susskind, Piersol and Franco do not teach the method of transferring in XML format. Paroz teaches wherein the integrated presentation is transferred in XML format (col. 10, lines 46-49).

38. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Susskind, Piersol, Franco and Paroz because Paroz's teaching of transferring in XML format would increase the field of use in their system.

39. As per claim 34, Susskind, Piersol, Franco and Paroz teach the invention substantially as claimed in claim 33 above. Susskind further teaches sending the command to the digital video recorder using the programmable interfaces ([0035] and [0050]).

40. Claims 24 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Susskind, Piersol and Franco in view of Cao, U.S. Patent 6,782,550 (hereinafter Cao).

41. As per claims 24 and 38, Susskind, Piersol and Franco teach the invention substantially

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as claimed in claims 13 and 27 above. Although Susskind teaches a group of interface consisting of login interface (inherently comprised in order for user to enter password to access web server), a Channel Guide, Find Shows, Manual Recording ([0050]), however, Susskind, Piersol and Franco do not specifically teach Replay Guide and Replay Channels. Cao teaches an interface consisting of a Channel Guide, a Replay Guide, Replay Shows, Replay Channels, Find Shows, and Manual Record (Figs. 15A-15F; col.23, line 66-col. 24, line 6; col. 29, line 49-col. 30, line 17; col. 32, line 46-col. 33, line 22; col. 33, lines 37-57; col. 34, lines 10-16).

42. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Susskind, Piersol, Franco and Cao because Cao's teaching would enhance the functionalities of the interface in their system to include additional guides for remote user selection.

43. Claims 26 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Susskind, Piersol and Franco in view of Venkatraman et al, U.S. Patent 5,956,487 (hereinafter Venkatraman).

44. Venkatraman was cited in the last office action.

45. As per claims 26 and 41, Susskind, Piersol and Franco teach the invention substantially as claimed in claims 13 and 27 above. Although Susskind teaches wherein the data is interactively accessed ([0051]), however, Susskind, Piersol and Franco do not teach data is

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extracted on the fly. Venkatraman teach wherein the data is extracted on-the-fly (col. 6, lines 13-14).

46. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Susskind, Piersol, Franco and Venkatraman because Venkatraman's teaching would allow their system to extracted most up-to-date data representing the status of the media device.

47. Applicant's arguments with respect to claims 13, 15-22, 24-36, 38-41, 52-53 and 55-56, filed 10/28/10, have been fully considered but they are not persuasive.

48. In the remarks, applicant argued that:

- (1) Susskind and Piersol fail to teach the integrated presentation comprising at least one of broadcast, show, movie clips, or chat rooms (i.e., the combination does not teach the integrated presentation comprising both a corresponding interface of a digital video recorder and at least one of broadcast, show, movie clips, or chat rooms)
- (2) Susskind and Piersol fail to teach the one or more integrated presentations are distinctive to the web portal.

49. In response to point (1), applicant's argument is moot in view of new ground of rejection.

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50. In response to point (2), applicant's argument has been considered and addressed to in the previous office action. Specifically, Susskind teaches a browser accessing a website host, which may be any commercial web site, for example, a home page of www.sony.com ([0035]) (i.e., web portal). The web site presents the browser with HTML pages that are a simulation of the VRD ([0035]). This means the presented HTML pages (one or more integrated presentations) used for operating the VRD are distinctive to the home page of www.sony.com (i.e., web portal).

51. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action. A shortened statutory period for reply to this Office action is set to expire THREE MONTHS from the mailing date of this action. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip C Lee whose telephone number is (571)272-3967. The examiner can normally be reached on 8 AM TO 5:30 PM Monday to Thursday and every other Friday. If attempts to reach the examiner by telephone are

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unsuccessful, the examiner's supervisor, Krista Zele can be reached on (571) 272-7288. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Philip C Lee/

Primary Examiner, Art Unit 2453